

1 LATHAM & WATKINS LLP
2 Kenneth M. Fitzgerald (Bar No. 142505)
3 Jennifer L. Barry (Bar No. 228066)
4 600 West Broadway, Suite 1800
5 San Diego, California 92101-3375
6 Telephone: (619) 236-1234
7 Facsimile: (619) 696-7419
kenneth.fitzgerald@lw.com
jennifer.barry@lw.com

6 Attorneys for Plaintiffs
BARE ESCENTUALS BEAUTY, INC.
7 and BIOCEUTIX, INC.

8
9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11

12 BARE ESCENTUALS BEAUTY, INC.,
13 and BIOCEUTIX, INC.,

14 Plaintiffs,
15 v.
16 DENNIS F. GROSS, M.D. and M/D SKIN
17 CARE LLC,
18 Defendants.

Case No. CV 06-5605-MHP

PLAINTIFFS' REQUEST FOR DISMISSAL
WITHOUT PREJUDICE

19 Plaintiffs Bare Escentuals Beauty, Inc. and Bioceutix, Inc. hereby request that the
Court dismiss this action without prejudice.

20 Dated: November 8, 2006

LATHAM & WATKINS LLP

21 By: *Jennifer L. Barry*
22 Jennifer L. Barry
23 Attorneys for Plaintiffs
24 BARE ESCENTUALS BEAUTY INC.
25 AND BIOCEUTIX, INC.

26 Dated: 12/12/06

